

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7213**

**BILL NUMBER:** SB 300

**NOTE PREPARED:** Jan 2, 2004

**BILL AMENDED:**

**SUBJECT:** Sex Offender Registration.

**FIRST AUTHOR:** Sen. Drozda

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State

**Summary of Legislation:** This bill has the following provisions:

- A. It requires persons convicted of possession of child pornography to register as sex offenders.
- B. It increases the penalty for a person who fails to register as a sex offender to a Class B felony for a subsequent offense.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:** *Provision A:* The Criminal Justice Institute maintains the sex offender registry. Requiring offenders convicted of possessing child pornography to also register as sex offenders may affect the staffing requirements of the Criminal Justice Institute.

Eight persons were committed to the Department of Correction (DOC) for possession of child pornography in FY 2003, the first year that possession of child pornography was considered a crime. (Prior to July 1, 2002, possession of child pornography was a Class A misdemeanor.)

*Provision B:* Under current law, a person who knowingly or intentionally fails to register as a sex offender commits a Class D felony. For the past three fiscal years, the number of offenders committed to DOC for the Class D felony offense is shown below.

<b>Class D Offenders Committed to DOC for Failing to Register as a Sex Offender</b>			
Fiscal Year	2001	2002	2003
Offenders Committed	1	4	7

*Increasing a Class C felony to a Class B felony:* Under current law, offenders who have two unrelated instances of intentionally failing to register as a sex offender are sentenced as Class C felons. As proposed, if these offenders were convicted of a second unrelated instance of not registering as a sex offender, it would be a Class B felony. The average length of stay for Class C felons is 1.9 years, while the average length of stay for Class B felons is 3.7 years. The Department of Correction reports that one offender was committed to DOC facilities for this offense in FY 2003. Consequently, enhancing this crime to a Class B felony would appear to have little effect on the need for additional prison beds for DOC offenders.

The average expenditure to house an adult offender was \$26,835 in FY 2002. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities for all Class C felony offenders is approximately two years.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Department of Correction; Criminal Justice Institute.

**Local Agencies Affected:**

**Information Sources:** Department of Correction.

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